

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO. 2:13-CR-148
JUDGE SARGUS

HAIDER ZAFAR

RESPONSE OF THE UNITED STATES
TO DEFENDANT'S MOTION FOR
RECONSIDERATION OF DETENTION ORDER

On May 8, 2014, Defendant Haider Zafar filed a motion for reconsideration of the detention order entered by the Court on August 27, 2013. (Doc. # 35, pageid # 244; Doc. #22, pageid # 208.) The basis for defendant's motion appears to be an implication he owns or controls certain unnamed and unidentified property in the nation of Pakistan that, if the Court were to release him from custody, he could liquidate to make restitution in this case. (Doc. # 35, pageid # 245.)

Defendant acknowledges in the memorandum in support of his motion that he entered guilty pleas to dozens of counts of the indictment in this case on February 27, 2014, and that having been found guilty on those counts by the Court on that date, he now awaits sentencing. (*Id.*) He also acknowledges that he faces a Guidelines sentence of imprisonment 70-87 months. (*Id.*)

Given his acknowledged status of the proceedings, the Court should apply the provisions of 18 U.S.C. § 3143(a) when it considers Zafar's motion. Under this statute, a judicial officer shall order a person who has been found guilty and who is awaiting imposition of sentence be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released. *Id.*

The United States respectfully submits that defendant's implication of ownership of property in Pakistan and his expressed willingness to liquidate such property for purposes of making restitution do not show by clear and convincing evidence that the Court erred in entering its detention order on August 27, 2013, or that circumstances have changed following the finding of defendant's guilt on February 27, 2014 such that defendant should be released from custody while awaiting sentencing.

For the reasons stated herein, the motion of defendant for reconsideration of the detention order should be denied.

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/Dale E. Williams, Jr.

DALE E. WILLIAMS, JR. (0020094)
Assistant United States Attorney
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
(614)469-5715; Fax: (614)469-5653
Dale.Williams@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing response of the United States was served this 14th day of May, 2014, electronically on: Samuel H. Shamansky, Attorney for Defendant Haider Zafar.

s/Dale E. Williams, Jr.

DALE E. WILLIAMS, JR. (0020094)
Assistant United States Attorney